



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 060953/0122

In re patent application of

Herbert WOLTER et al.

Serial No. 09/393,647

Group Art Unit: 1723

Filed: September 10, 1999

Examiner: A. Fortuna

For: SEMIPERMEABLE MEMBRANES

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the restriction and election requirements set forth in the Office Action mailed January 2, 2002. A response is due February 4, 2002, February 2, 2002 being a Saturday.

In response to the Office Action, Applicants hereby elect species III, for examination, with traverse.

REMARKS

Introduction

The Examiner has required an election between compounds of the formulae I-V, stating that the species are patentably distinct. For the reasons set forth below, the restriction requirement should be withdrawn.

While the Commissioner may require restriction if two or more independent and distinct inventions are claimed in one application (35 U.S.C. § 121), M.P.E.P. § 803 directs as follows (emphasis added): "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." In this application, the Examiner has